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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,812	07/20/2005	Klaus Hofmann	1201.1001	5741

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EXAMINER

WILLIAMS, THOMAS J

ART UNIT	PAPER NUMBER
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3683

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06/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/542,812	Applicant(s) HOFMANN, KLAUS	
	Examiner Thomas J. Williams	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-50 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 28-50 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/20/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Acknowledgment is made in the receipt of priority papers, the oath, the preliminary amendment and the information disclosure statement filed July 20, 2005.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter of section (ii) in claims 28 and 50 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 35, 44 and 49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 35 recites the limitation "the concerned lateral sealing element" in line 2. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 35 recites the limitation "the lateral end surfaces" in line 4. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 44 lines 2 and 4, it is unclear which of the plurality of elements previously recited that the recitation "this element" is referencing.

8. Claim 49 recites the limitation "the ring-shaped" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 28, 30-32, 36-44 and 46-50 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 01/34990 A1 to Muller.

US 6,629,584 B1 is relied upon as an English language translation for WO 01/34990 A1.

Re-claims 28 and 50, Muller discloses a clamping device, comprising: a base element 3 is connected rigidly by at least two adjacent wall sections 13 to a force applying element 7, the clamping forces are transferred to object 9; wall sections 13 define a sealed pressure chamber that can be pressurized with a positive or negative pressure, the two wall sections have a bending region (see figures), in the unpressurized built-in state the two wall sections 13 exert a predetermined clamping force on the object, (see figure 1a and column 5 lines 42-54), the two walls and the bending regions are shaped and dimensioned accordingly, so that when the chamber is pressurized with positive pressure the bending regions exhibit an increase in curvature and as such reduce the clamping force on the object, see figure 1b.

Re-claim 30, the embodiment of figures 6a and 6b can be provided with a plurality of wall sections forming a spoke-like assembly, see column 7 lines 36-38.

Re-claim 31, the base element 3a is provided with an attachment portion adjacent the wall sections, this attachment portion is bent at a right angle and is perpendicular to the bending regions.

Re-claim 32, each spoke in figure 6a is interpreted as a separate part and has an attachment region.

Re-claim 36, wall portion 19 is interpreted as a mechanical stop.

Re-claim 37, a force applying element is positioned on each side of linear guide 9, in addition a separate embodiment of figure 6a includes a plurality of force applying elements each associated with a separate spoke defined by wall sections 13.

Re-claim 38, each spoke section of figure 6 comprises a plurality of wall sections.

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Re-claim 39, the base element 3a in figure 6a is ring shaped.

Re-claims 40 and 41, the force applying elements 3b are arranged within the base element 3a and forms a ring, see figures 6a and 6b.

Re-claim 42, see figure 1a and 6a.

Re-claim 43, see figure 6a.

Re-claim 44, an external periphery of the force applying element 3b is interpreted as an attachment region.

Re-claim 46, a tubular ring element, figure 6a, forms a common pressure chamber for the pairs of wall sections 13.

Re-claim 47, the pressure chamber is formed by two wall sections that are stacked upon each other, wherein one is a top wall element the other is a bottom wall element.

Re-claim 48, see figure 1a, the base is an enclosure and is defined by an upper part 19 and a lower part 3.

Re-claim 49, the spoke-like formation of figure 6a is interpreted as a slotted force applying element.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muller.

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Muller teaches the wall sections as being parallel to each other in the unpressurized state, and separated by a relatively short distance, see column 5 lines 19-22. However, Muller fails to specify the distance between the two wall sections as being in the range from 0.1 mm to 10 mm, and preferably from 1mm to 5 mm. The examiner interprets the specific dimension between the two wall sections as merely a design choice.

As such it would have been obvious to one of ordinary skill in the art as a matter of design choice to have placed the wall sections of Muller at a distance of between 0.1 mm to 10 mm, and preferably from 1 mm to 5mm, since the applicant has not disclosed that having the wall sections separated by the recited distance solves any stated problem or is for any particular purpose and it appears that the wall sections would have performed equally well within the recited distances.

13. Claims 33-35 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller in view of US 4,638,724 to Emmert.

Re-claims 33, 34 and 45, Muller fails to teach a plastic or rubber sealing elements associated with the wall sections.

Emmert teaches a clamping device provided with wall sections and an associated rubber sealing element 3, the sealing element is located between the wall sections and formed of separate parts, each sealing element is ring shaped (as viewed in figure 9). It would have been obvious to one of ordinary skill in the art to have provided each of the spoke-like chambers of figure 6 in Muller with a rubber sealing element as taught by Emmert, thus ensuring an air tight sealed chamber.

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Re-claim 35, elements 5 are interpreted as retaining arms projecting from the base element 3.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Slemmons, Tobler et al. and Spieth each teach a clamping device.

15. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128.

The examiner can normally be reached on Wednesday-Friday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached at 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

May 31, 2007

**THOMAS J. WILLIAMS
PRIMARY EXAMINER**

Thomas Williams
AU 1683
5-31-07